

9488. Adulteration and misbranding of sardines and anchovies in salt. U. S. * * * v. 231 Cases of Sardines and 150 Cases of Anchovies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14627. I. S. Nos. 1664-t, 1668-t. S. No. C-2867.)

On March 15, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 231 cases of sardines and 150 cases of anchovies, at New Orleans, La., alleging that the articles had been shipped by the Millwood Salt Fish Co., San Pedro, Calif., on or about January 21, 1920, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, "Sardines" (or "Anchovies") "in Salt * * * Packed by Sherwood Sea Food Co., San Pedro, Calif., net weight 2 lbs. 8 oz."

Adulteration of the articles was alleged in the libel for the reason that they consisted wholly or in part of a filthy and decomposed animal substance.

Misbranding was alleged for the reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9489. Adulteration and misbranding of apple butter. U. S. * * * v. 1,194 Pails * * * and 243 Pails * * * of Apple Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14956, 14957. I. S. No. 505-t. S. No. C-3061.)

On May 27, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,194 pails and 243 pails, more or less, of apple butter, consigned at Chicago, Ill., in part July 15, 1920, and in part July 28, 1920, remaining unsold in the original packages at Louisville, Ky., alleging that the article had been shipped from Chicago, and transported from the State of Illinois into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 2, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9490. Adulteration and misbranding of vanilla and lemon flavors. U. S. * * * v. 57 Dozen Bottles * * * of Vanilla and 108 Dozen Bottles * * * of Lemon, 12 Dozen Bottles * * * of Vanilla and 13 Dozen Bottles * * * of Lemon, and 25 Dozen Bottles * * * of Vanilla and 20 Dozen Bottles * * * of Lemon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11566, 11567. I. S. Nos. 8745-r, 8746-r, 8747-r, 8748-r, 8751-r, 8752-r. S. Nos. C-1647, C-1648.)

On December 24, 1919, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district libels for the seizure and condemnation of 57 dozen bottles of vanilla and 108 dozen bottles of lemon, 12 dozen bottles of vanilla and 13 dozen bottles of lemon, and 25 dozen bottles of vanilla and 20 dozen bottles of lemon flavor, remaining unsold in the original unbroken packages at Independence, Fredonia, and Iola, Kans., respectively, alleging that the articles had been shipped by the National Food Mfg. Co., St. Louis, Mo., in part on July 17, 1919, and in part on July 28, 1919, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Mother's Brand Pure Flavor of Vanilla" (or "Lemon") "Guaranteed Fine Quality. The National Food Manufacturing Company, St. Louis, U. S. A. 3/4 ounces."

Adulteration of the articles was alleged in substance in the libels for the reason that the so-called vanilla was dilute vanilla extract, and the so-called lemon was dilute terpeneless lemon flavor, and each product contained approximately one-half water, which had been mixed and packed with the said articles so as to reduce, lower, and injuriously affect their quality and strength.

Misbranding of the articles was alleged in substance for the reason that the labels were false and calculated to deceive the purchaser and induce the purchaser to believe that the said articles were pure, whereas, in truth and in fact, they were not pure vanilla flavor or pure lemon flavor.

On August 26, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9491. Adulteration and misbranding of cottonseed meal. U. S. * * *
v. Buckeye Cotton Oil Co., a Corporation. Plea of guilty. Fine,
\$50 and costs. (F. & D. No. 11621. I. S. Nos. 5746-r, 10710-r, 10713-r,
10907-r, 10906-r.)

On March 1, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2 and 16, 1918, from the State of Tennessee into the States of Kentucky and Illinois, respectively, of quantities of Buckeye cottonseed meal, and on or about January 22, 1919, from the State of Tennessee into the State of Indiana, of a quantity of Standard cottonseed meal, which were adulterated and misbranded, and on or about February 3, 1919, from the State of Tennessee into the State of Kentucky, of a quantity of Buckeye cottonseed meal which was misbranded, and alleging that on or about January 17, 1919, F. W. Brode & Co., a corporation, shipped from the State of Tennessee into the State of Indiana a quantity of Jay Brand cottonseed meal which was adulterated and misbranded, and which theretofore had been guaranteed as complying with the provisions of the Food and Drugs Act by the Buckeye Cotton Oil Co.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the presence of from 33 per cent to 40 per cent of cottonseed hulls; and showed that they contained less protein and more fiber than declared in the labeling.

Adulteration of the articles involved in all consignments with the exception of that under date of February 3, 1919, into Kentucky, was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect